

REPORT OF THE COMMITTEE ON RULES & ADMINISTRATION

September 28, 2010

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Moreno, Vice Chairman Gorman, Commissioners Daley, Schneider, Silvestri and Suffredin (6)

Absent: Commissioners Beavers, Sims and Steele (3)

Also

Present: Commissioners Butler, Goslin and Murphy, Patrick Driscoll, Jr. – Deputy State's Attorney, Chief, Civil Actions Bureau.

Ladies and Gentlemen:

Your Committee on Rules & Administration of the Board of Commissioners of Cook County met pursuant to notice on Tuesday, September 28, 2010 at the hour of 10:00 A.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following item and upon adoption of this report, the recommendations are as follows:

304531 AN AMENDMENT TO THE COOK COUNTY CODE, CHAPTER 2, ARTICLE III, DIVISION 2 SECTION 2-108 (I) (RULES OF ORGANIZATION) (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Joseph Mario Moreno, County Commissioner.

PROPOSED ORDINANCE AMENDMENT

WHEREAS, recently members of the Cook County Board of Commissioners have called into question the use of Cook County's wireless network during Board and Committee meetings for political purposes; and

WHEREAS, the Cook County Board of Ethics was queried on said matter, specifically pertaining to an incident that occurred on Tuesday, November 17, 2009 during the County Board meeting where a political message was sent from the floor of the Board Room during the meeting using the Twitter website; and

WHEREAS, the Board of Ethics opined on this matter and concluded that the use of the County's wireless internet for said purpose may be construed as a prohibited political activity and a misuse of County owned property under Sections 2-571 and 2-576 of the Cook County Ethics Ordinance; and

WHEREAS, the Ethics Board also recommended that said use be discontinued in the future; and

WHEREAS, presently Article III, Division 2 concerning Rules of Organization does not address the issue of using social networking sites and electronic communication devices during deliberations of the County Board; and

WHEREAS, because the absence of any guidelines or policies pertaining to this matter may undermine transparency and the public confidence in Cook County government, the Board of Ethics also recommended that the use of social networking sites and other like electronic communications should be addressed in the framework of the Rules & Administration Committee; and

WHEREAS, Article III, Division 2, Section 2-108, (g) (2) states: The Board may grant members of the public leave to speak on items pending before the Board; and

WHEREAS, Article III, Division 2, Section 2-108 (i) Floor Privileges states:

- (1) During all meetings of the Board, access to the floor shall be limited to the following persons, except pursuant to leave granted by the Board:
 - a. The President, Clerk, Secretary, Parliamentarian and Sergeant-at-Arms;
 - b. Commissioners;
 - c. Other elected Cook County officers;
 - d. Former Commissioners;
 - e. Staff of the Board; and
 - f. Staff of the President.
- (2) At the direction of the President or at the request of any Commissioner, the floor shall be cleared of staff. At the request of any Commissioner, unauthorized persons shall be ordered removed from the floor; and

WHEREAS, the unregulated use of the above mentioned technologies to gain access to Commissioners during deliberations at Board and Committee meetings may cause the public to believe that certain individuals have greater or special access to County officials during key deliberations or votes; and

WHEREAS, the Secretary of the Board of Commissioners is charged with disseminating County Board proceedings and has already added real-time dissemination of the proceedings via a social networking website in addition to cable broadcasts for the general public's benefit.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2, Article III, Division 2 Section 2-108 (i); of the Cook County Code is hereby amended as follows:

- (1) During all meetings of the Board, access to the floor shall be limited to the following persons, except pursuant to leave granted by the Board:
 - a. The President, Clerk, Secretary, Parliamentarian and Sergeant-at-Arms;
 - b. Commissioners;
 - c. Other elected Cook County officers;
 - d. Former Commissioners;
 - e. Staff of the Board; and
 - f. Staff of the President.
- (2) At the direction of the President or at the request of any Commissioner, the floor shall be cleared of staff. At the request of any Commissioner, unauthorized persons shall be ordered removed from the floor.
- (3) Publicly accessible instant messaging platforms, such as social networking websites or like platforms may not be used by members of the Board of Commissioners, the President or their staff while on the floor to communicate with members of the public.

***Referred to the Committee on Rules & Administration on 1/12/10.**

Vice Chairman Gorman, seconded by Commissioner Silvestri, moved that the Proposed Ordinance Amendment (Communication No. 304531) be approved.

Chairman Moreno stated that the above Proposed Ordinance Amendment was drafted in early January 2010 due to a letter Commissioner Sims had received from the Ethics Board; a copy of that letter dated December 23, 2009, has been distributed to all the Commissioners. The letter stated that the Commissioners should revisit the Cook County Code and perhaps amend the rules. The amendments to the rules were submitted to the State's Attorney's Office for their review. The State's Attorney gave the Board a lengthy opinion after much research and deliberation and found that it does not impact the first amendment.

Chairman Moreno asked Patrick Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau, to address the Commissioners.

Mr. Driscoll stated that the State's Attorney's Office looked at the issue and found that there are no cases directly in point, but in the analysis the State's Attorney's Office does not believe that there is a legal impediment. The State's Attorney does not have a legal opinion on whether it should be adopted or not; that is not the State's Attorney's role.

Commissioner Suffredin asked for a roll call when time is appropriate.

Vice Chairman Gorman, seconded by Commissioner Silvestri, moved that the Proposed Ordinance Amendment (Communication No. 304531) be approved. Commissioner Suffredin called for a Roll Call, the vote of yeas and nays being as follows:

**ROLL CALL ON MOTION TO APPROVE
COMMUNICATION NO. 304531**

Yeas: Chairman Moreno (1)

Nays: Commissioners Daley, Vice Chairman Gorman, Schneider, Silvestri and Suffredin (5)

Absent: Commissioners Beavers, Sims and Steele (3)

The motion to APPROVE the Proposed Ordinance Amendment (Comm. No. 304531) FAILED.

Chairman Moreno asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook County Code, Sec. 2-108(dd):

1. George Blakemore – Concerned Citizen

Commissioner Silvestri moved to adjourn the meeting, seconded by Commissioner Daley. The motion carried and the meeting was adjourned.

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION
WITH REGARD TO THE MATTER NAMED HEREIN:**

Communication Number 304531

Failed

Respectfully submitted,
Committee on Rules & Administration

Joseph Mario Moreno, Chairman

Attest:

Matthew B. DeLeon, Secretary

** The audio recording for this meeting is available from the Office of the Secretary to the Board,
118 North Clark Street, Room 567, Chicago, IL 60602.